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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,120	03/24/2004	Kang Soo Seo	1740-00009-4US	3670
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EXAMINER				
TEKLE, DANIEL T				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/807,120

**Applicant(s)**

SEO ET AL.

**Examiner**

DANIEL TEKLE

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1, 2, 4-6, 15, 16, 18, 19, 21-25, 27, 29-34, 36, 37 and 39-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-6, 15-16, 18-19, 21-25, 27, 29-34, 36-37 and 39-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-840)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 16, 2009 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-2, 4-6, 15-16, 18-19, 21-25, 27, 29-34, 36-37 and 39-42 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1-2, 4-6 and 39-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The "computer-readable medium" can broadly interpret to include signal which is non-statutory subject matter.

"In the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the

contrary and give the broadest reasonable interpretation, the scope of a "computer readable medium" covers a signal per se."

In order to overcome this rejection examiner suggest replacing "computer-readable medium" with "non-transitory computer-readable medium"

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 2, 4-6, 15, 16, 18, 19, 21-25, 27, 29-34 and 36-37 are rejected under 35 U.S.C. 102(e) as being anticipate by Kato et al. (US 20020145702).

**Regarding Claim 1:** Kato et al. discloses a computer readable recording medium having a data structure for managing reproduction of video data recorded on the recording medium, comprising: a data area storing multi-path video data corresponding to a plurality of reproduction paths forming different versions of one title to be reproduced exclusively (**paragraph 180 and 182**); wherein the plurality of reproduction paths include a first reproduction path forming a first version of one title and a second reproduction path forming a second version of one title (**paragraph 0180 and fig. 6**), and at list a portion of the first and second reproduction paths are configured in parallel so either the first or the second reproduction path is reproduced when a version is

reproduced (paragraph 0482 and 484-485), wherein the first reproduction path and the second reproduction path include a common path portion referring a same clip file **(paragraph 0180 and fig. 6)**; and a navigation information area storing playlists including reproduction information of the multi-path video data, wherein the number of the playlists is the same as the number of the reproduction paths of multi-path video data **(paragraph 212-213 and figure 14)**.

**Regarding Claim 2:** Kato et al. discloses a computer readable recording medium of claim 1, wherein each of the playlists is associated with all of clip files for one path of the plurality reproduction paths **(paragraph 212-213)**.

**Regarding Claim 4:** Kato et al. discloses a computer readable recording medium of claim 1, wherein each of the playlists, includes a plurality of playitems, different playitems included in the different playlists identifies the same clip file referred by the common path portion of the plurality of reproduction paths\_ **(paragraph 168, 0180 and figure 3)**.

**Regarding Claim 5:** Kato et al. discloses a computer readable recording medium having a data structure for managing reproduction of video data comprising: a data area storing multi-path video data corresponding to a plurality of reproduction paths forming different versions of one title to be reproduced exclusively **(paragraph 182, 212-213)**; wherein the plurality of reproduction paths include a first reproduction path forming a first version of one title and a second reproduction path forming a second version of one title **(paragraph 0180 and fig. 6)**, and at list a portion of the first and second reproduction paths are configured in parallel so either the first or the second

reproduction path is reproduced when a version is reproduced (paragraph 0482 and 484-485), wherein the first reproduction path and the second reproduction path include a common path portion referring a same clip file (**paragraph 0180 and fig. 6**); and a navigation information area storing a playlist including reproduction information of the multi-path video data, wherein the playlist includes a plurality of playitems identifying a plurality of different clip files of the multi-path video data (figure 20-21).

**Regarding Claim 6:** Kato et al. discloses a computer readable recording medium of claim 5, wherein at least one of the plurality of playitems identifying the clip file referred by the common path portion of the plurality of reproduction paths (**paragraph 212-213 and fig. 21**).

**Regarding Claims 15-16:** Claims 15-16 are rejected for the same subject matter as claim 1 and 5 respectively as discussed above.

**Regarding Claims 18-19:** Claims 10-19 are rejected for the same subject matter as claims 1 and 5 respectively as discussed above.

**Regarding Claim 21:** Kato et al. discloses a method for reproducing a data structure for managing reproduction of video data recorded on a recording medium, the method comprising: reading at least one playlist including reproduction information of multi-path video data from on the recording medium, wherein the multi-path video data corresponds to a plurality of reproduction paths forming different versions of one title to be reproduced exclusively (**paragraph 180 and 182**), wherein the plurality of reproduction paths include a first reproduction path forming a first version of one title and a second reproduction path forming a second version of one title (**paragraph 0180**

**and fig. 6), and at list a portion of the first and second reproduction paths are configured in parallel so either the first or the second reproduction path is reproduced when a version is reproduced (paragraph 0482 and 484-485)**, wherein the first reproduction path and the second reproduction path include a common path portion referring a same clip file (**paragraph 0180 and fig. 6**); and reproducing selected one of the reproduction paths of the multi-path video data based on the read reproduction information (**paragraph 0180-0181**).

**Regarding Claim 22:** Claim 22 is rejected for the same subject matter as claim 21 as discussed above.

**Regarding Claim 23:** Kato et al. discloses a method of claim 15, wherein each of the playlists is associated with all of the clip files for one path of the plurality of reproduction paths (**Fig. 6a**).

**Regarding Claim 24:** Kato et al. discloses a method of claim 15, wherein each of the playlists includes a plurality of playitems, different playitems included in the different playlists identifies the same clip file referred by the common path portion of the plurality of reproduction paths (**paragraph 0180**).

**Regarding Claim 25:** Kato et al. discloses a method of claim 16, wherein at least one of the plurality of playitem identifying the clip file referred by the common path portion of the plurality of reproduction paths (**paragraph 0180**).

**Regarding Claim 26-28:** Claim 26-28 are rejected for the same subject matter as claim 23-25 respectively as discussed above.

**Regarding Claim 29:** Kato et al. discloses a method of claim 21, wherein the number of the playlists is the same as the number of the reproduction paths of the multi-path video data.

**Regarding Claim 30:** Kato et al. discloses a method of claim 29, wherein each of the playlists is associated with all of the clip files for one path of the plurality of reproduction paths (**paragraph 0180**).

**Regarding Claim 31:** Kato et al. discloses a method of claim 29, wherein each of the playlists includes a plurality of playitems, different playitems included in the different playlists identifies the same clip file referred by the common path portion of the plurality of reproduction paths (**paragraph 0180**).

**Regarding Claim 32:** Kato et al. discloses a method of claim 21, wherein the playlist includes a plurality of playitems identifying a plurality of different clip files of the multi-path video data(**paragraph 0180**).

**Regarding Claim 33:** Kato et al. discloses a method of claim 32, wherein at least one of the plurality of playitem identifying the clip file referred by the common path portion of the plurality of reproduction paths (**paragraph 0180**).

**Regarding Claim 34 and 36-37:** Claim 34 and 36-37 are rejected for the same subject matter as claim 29 and 31-32 respectively as discussed above.

**Regarding Claim 41:** Kato et al. discloses a computer readable recording medium of claim 1, having a general information file identifying a file name of a playlist (**fig. 100-102**).



**Regarding Claim 33:** Kato et al. discloses a computer readable recording medium of claim 5, having a general information file identifying a file name of a playlist (**fig. 100-102**).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 30-40 rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. as applied to claim 1- above, and further in view of Fleming, III et al. (US 6,973,461).

**Regarding Claim 39:** Kato et al. discloses all the claim limitation of computer readable recording medium of claim 1, further Fleming et al. discloses the navigation information area further stores a parental control information for reproducing permitted parental level of the title (**column 2 lines 23-36**).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Kato et al. invention into Fleming et al. in order to control audiovisual work.

**Regarding Claim 40:** Kato et al. discloses all the claim limitation of computer readable recording medium of claim 1, further Fleming et al. discloses one of the versions of the title is a parental control version of the title (**column 2 lines 23-36**).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Kato et al. invention into Fleming et al. in order to control audiovisual work.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

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/Daniel Tekle/

Examiner, Art Unit 2621